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**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/648,474  
Filing Date: August 21, 2000  
Appellant(s): SHUSTER ET AL.

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Brian Mark Shuster  
Gary Stephen Shuster  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 09/28/2006 appealing from the Office action mailed 08/19/2005.

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**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,460,036	Herz	10-2002
5,724,567	Rose et al.	03-1998

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 50-69 are rejected under 35 U.S.C. 103. This rejection is set forth in the previous Office Action below mailed on 08/19/2005.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 50-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz [ US Patent No 6,460,036 ], in view of Rose et al. [ US Patent No 5,724,567 ].

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3. As per claim 50, Herz discloses the invention substantially as claimed including a method for exchanging information within a group of users on a wide area network, comprising the steps of:

serving a topically organized information resource over a wide area network [ Figure 1; and col 28, lines 59-col 29, lines 31 ], the information resource comprising a defined topic of information [ i.e. cluster ] [ col 5, lines 32-38 ], posts of information from users, and a plurality of links to respective different remote information resources each containing information related to the topic [ col 12, lines 31-36; and col 74, lines 12-38 ];

receiving user ratings from the users [ col 3, lines 19-23 ], the user ratings signifying relevance of respective ones of the posts and of the remote information resources to the defined topic [ col 19, lines 30-43 ], the user ratings determined by respective ones of the users after reviewing respective ones of the posts and of the remote information resources [ col 18, lines 65-col 19, lines 6; and col 58, lines 43-54 ].

Herz does not specifically disclose

aggregating the user ratings to provide aggregate relevance ratings data; and

providing access to the aggregate ratings data in association with the posts of information and with the plurality of links.

Rose discloses

aggregating the user ratings to provide aggregate relevance ratings data [ i.e. combine ] [ col 8, lines 45-56 ]; and

providing access to the aggregate ratings data in association with the posts of information and with the plurality of links [ Figure 3; and col 4, lines 45-62 ].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Herz and Rose because Rose's teaching of the aggregating rating data would allow user to immediately access information source that is most relevant to their need and allow users to find document of a common interest.

4. As per claim 51, Herz discloses modifying the topically information resource to prioritize information according to the aggregate organized ratings data [ col 62, lines 58-63 ].

5. As per claim 52, Herz discloses serving the information resource including a vote object configured for providing the users an option to rate the posts according to predetermined rating values [ col 10, lines 13-15; and col 74, lines 35-38 ].

6. As per claim 53, Herz does not specifically disclose displaying the post in a ranked order according to the aggregating rating data. Rose discloses displaying the posts in a ranked order according to the aggregate ratings data [ i.e. rank order ] [ Figure 3; and col 10, lines 17-19 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Herz and Rose because Rose's teaching of displaying the post in a ranked order would allow to enhance the graphical user interface of Herz system to include organizing views of most interest topic in a manner that selecting individual topic makes easier for user.

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7. As per claim 54, Rose discloses displaying the plurality of links in a ranked order according to the aggregate ratings data [ Figure 3 ].

8. As per claim 55, Herz discloses compiling the user rating for subject matter received from a specific source to provide source-associated rating data [ col 12, lines 11-59 ].

9. As per claim 56, Herz discloses ranking a plurality of information sources according to the source-associated rating data for each source [ col 60, lines 67-col 61, lines 3 ].

10. As per claim 57, Herz discloses providing the users an option to receive the source-associated rating data for each user that has provided subject matter to the topically organized information resource [ col 60, lines 61-66 ].

11. As per claim 58, Herz discloses receiving preference information from the users, wherein the preference information specifies a threshold criteria for filtering the posts according to the source-associated rating data applied to the contributor of each post of the posts [ col 64, lines 1-9 ].

12. As per claim 59, Herz discloses presenting the plurality of links on a menu of a web page [ col 65, lines 15-19 ].

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13. As per claim 60, Herz discloses presenting the plurality links grouped in a corresponding plurality of menus of the web page, wherein each of the plurality of menus contains links pertaining to a category of information [ col 65, lines 9-37 ].

14. As per claim 61, Herz discloses serving at least one of the respective different remote information resources comprising a second defined topic of information, a second plurality of posts of information from users, and a second plurality of links to respective different remote information resources each containing information related to the second topic [ i.e. cluster and subcluster ] [ col 65, lines 48-col 66, lines 48 ].

15. As per claim 62, Herz discloses ranking the plurality of links according to a measured use of ones of the plurality of links [ col 6, lines 33-35 ].

16. As per claim 63, Herz discloses performing an action selected from adding a link to the plurality of links, and deleting a link from the plurality of links, according to a ranking determined in the ranking step [ i.e. organizing ] [ col 69, lines 11-cl 70, lines 3 ].

17. As per claim 64, Herz does not specifically disclose receiving preference information from the users, wherein the preference information specifies a threshold criteria for filtering the posts according to the aggregate ratings data. Rose discloses receiving preference information from the users, wherein the preference information specifies a threshold criteria for filtering the posts according to the aggregate ratings data [ col 4, lines 63-col 5, lines 9 ]. It would have been



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obvious to a person skill in the art at the time the invention was made to combine the teaching of Herz and Rose because Rose's teaching of threshold criteria would allow the system of Herz to further presenting limited topic that most interest to user to reduce the searching time.

18. As per claim 65, Herz discloses serving an interactive tolerance bar for providing the users an option to send the preference information [ col 18, lines 13-27 ].

19. As per claim 66, Herz discloses serving at the respective different remote information resources each comprising at least one link back to the information resource [ Figures 3 and 4 ].

20. As per claim 67, Herz discloses ranking the plurality of links according to measured activity of the at least one link back on the different remote information resources [ col 12, lines 11-58 ].

21. As per claim 68, Herz discloses defining a plurality of topics for the posts of information [ col 3, lines 31-34 ], and storing the topics in the memory [ col 4, lines 36-47 ].

22. As per claim 69, Herz discloses grouping the posts in a plurality of topically organized interlinked information resources according to the rating data, wherein each of the interlinked information resources comprises posts relevant to one of the plurality of topics [ col 12, lines 29-36 ].

#### **(10) Response to Argument**

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1. As per remarks, Argument section B, page 10, Appellant argues that (1) Herz fails to disclose “serving a topically organized information resource over the wide area network, the information resource comprising a defined topic of information, posts of information from users, and plurality of links to respective different remote information resources each containing information related to the topic”.

2. As to point (1), the question is, broadly or reasonably interpreted, does the Herz reference disclose, “a method for exchanging information within a group of users on a wide area network comprising serving a topically organized information resource over a wide area network”, and Examiner finds that it clearly does. Specifically, Herz discloses a virtual community for computer users to join other users for discussions on computer bulletin boards, newsgroups, mailing lists, and real-time chat session over the computer network [ i.e. exchanging information within a group of users ] [ col 74, lines 12-21 ]. The virtual community of Herz has a specified topic, and the users must decide for themselves which of thousands of messages they find interesting from among those posted to the selected virtual communities, that is, made publicly available to members of those communities [ i.e. “serving a topically information resource over the wide area network” as claimed ] [ col 74, lines 10-32 ]. Herz discloses a step for automatically finding threads of discussion that show common interests among the users, and a user who wishes to initiate or join a discussion on some topic may send a “feeler message” on that topic to a special mailing list designated for feeler message [ i.e. “the information resource comprising a defined topic of information” as claimed ] [ col 76, lines 2-15 ]. In addition, Herz discloses numerous domains of target object which is an object available for access by the user [

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col 4, lines 49-53; and col 9, lines 5-50 ]. In one domain, the target objects are messages posted to an electronic community such as an computer bulletin board or newsgroup [ i.e. “posted of information from users” as claimed ] [ col 12, lines 30-34 ], and the number of links leading to a target object, in the domain where target objects are interlinked hypertext documents on the WWW or similar system [ i.e. “plurality of links to respective different remote information resources each containing information related to the topic” as claimed ] [ col 9, lines 31-34; and col 12, lines 33-36 ]. Therefore, the prior art clearly discloses the limitation above, and as such renders Appellant’s claim language as written, unpatentable over the prior art of record.

3. As per remarks, Argument section B, page 10, Appellant argues that (2) Herz fails to disclose “receiving user rating from the users, the user ratings signifying relevance of respective ones of the posts and of the remote information resources to the defined topic, the user ratings determined by respective ones of the users after reviewing respective ones of the posts and of the remote information resources”.

4. As to point (2), the next question is, broadly or reasonably interpreted, does Herz disclose “receiving user rating from the users, the user ratings is signifying relevance of respective ones of the posts and of the remote information resources to the defined topic, the user ratings determined by respective ones of the users after reviewing respective ones of the posts and of the remote information resource”, and Examiner finds that it clearly does. Specifically, Herz discloses the development of information retrieval wherein users were presented with an article and asked if it contained the information they wanted, or to quantify how close the information

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contained in the article was to what they wanted [ col 2, lines 57-61 ] and the user actively or passively rates the articles retrieved as to how close the information contained therein is to what is desired [ i.e. how relevant is this information to desired topic ] [ i.e. “receiving user rating from the users, the user ratings signifying relevance of respective ones of the posts and of the remote information resources to the defined topic” as claimed ] [ col 3, lines 5-8 ]. In addition, Herz discloses target object may also receive explicit numeric evaluations from various groups, such as the MPAA, which rates movies’ appropriateness for children, or the American Medical Association, which might rate the accuracy and novelty of medical research papers, or a random survey sample of users who could be asked to rate nearly anything [ col 12, lines 36-44 ].

Furthermore, Herz discloses quality attributes of target object X may include target object X’s popularity among users in general, the ratings a particular reviewer has given target object X [ i.e. “the user ratings determined by respective ones of the users after reviewing respective ones of the post and of the remote information resource” as claimed ] [ col 18, lines 65-col 19, lines 5 ]. Therefore, the prior art clearly discloses the limitation above, and as such renders Appellant’s claim language as written, unpatentable over the prior art of record.

5. As per remarks, Argument section B, page 17, Appellant argues that (3) Rose does not disclose “providing access to the aggregate ratings data in association with the posts of information and with the plurality of links”.

6. As to point (3), the question is, broadly or reasonably interpreted, does Rose disclose “providing access to the aggregate ratings data in association with the posts of information and

with the plurality of links”, and Examiner finds that it does. Specifically, Rose reference is directed to information access in multiuser computer system, and more particularly to a computer-based information system that enables users to access information from a wide variety of sources [ col 1, lines 6-10 ]. In that, Rose discloses a system for collecting of users votes [ i.e. aggregate rating data ] [ col 10, lines 48-51 ] and Rose discloses a list of ranked messages providing to the client program [ i.e. “providing access to the aggregate ratings data in association with the posts of information and with the plurality of links” as claimed ] [ Figures 3 and 7; col 4, lines 45-62; and col 9, lines 54-63 ]. In addition, Rose discloses plurality of links that are established between some of the nodes such as documents or between users, and the changing of link weight based on user voting on the document [ i.e. providing ranking or rating in association with the plurality of links ] [ col 8, lines 29-44 ]. Therefore, the prior art clearly discloses the limitation above, and as such renders Appellant’s claim language as written, unpatentable over the prior art of record.

7. As per remarks, Argument section C, page 17, Appellant argues that (4) Herz and Rose fail to disclose “modifying the topically organized information resource to prioritize information according to the aggregate ratings data”.

8. As to point (4), Herz discloses generating for each user a customized rank-ordered listing [ i.e. prioritize information ] of target objects most likely to be of interest to the user and each user’s target profile interest summary is automatically updated on a continuing basis to reflect the user’s changing interest [ Abstract; col 6, lines 58-62 ].

9. As per remarks, Argument section D, page 17, Appellant argues that (5) Herz and Rose fail to disclose “serving the information resource including a vote object configured for providing the users an option to rate the posts according to predetermined rating values”.

10. As to point (4), Herz discloses the rating a particular reviewer has given target object X, and MPAA child-appropriateness rating values such as PG=1 [ i.e. vote object for providing the user an option to rate the posts according to predetermined rating values ] [ col 10, lines 13-15; and col 18, lines 65-col 19, lines 5 ].

11. As per remarks, Argument section E, page 18, Appellant argues that (6) Herz and Rose fail to disclose “displaying the posts in a ranked order according to the aggregate ratings data”.

12. As to point (6), as mention in the previous Office Action mailed 08/19/2005, Rose discloses the above limitation [ i.e. displaying a list of ranked messages providing to the client program ] [ Figures 3 and 7; col 4, lines 45-62; and col 9, lines 54-63 ].

13. As per remarks, Argument section F, page 19, Appellant argues that (7) Herz and Rose fail to disclose “displaying plurality of links in a ranked order according to the aggregate ratings data”.

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14. As to point (7), Rose discloses displaying ranking score of each message [ i.e. rank order ] [ Figure 3; col 4, lines 45-62; and col 11, lines 59-61 ].

15. As per remarks, Argument section G, page 19, Appellant argues that (8) Herz and Rose fail to disclose “compiling the user ratings for subject matter received from a specific source to provide source-associated rating data”.

16. As to point (8), Herz discloses a useful quality attribute for a target object X is the average amount of residue feedback from users on that target object, average over all users V who have provided relevance feedback on the target object [ i.e. compiling the user ratings for subject matter received from a specific source to provide source-associated rating data ] [ col 22, lines 61-65 ].

17. As per remarks, Argument section H, page 20, Appellant argues that (9) Herz and Rose fail to disclose “ranking a plurality of information sources according to the source-associated rating data for each source”

18. As to point (9), Herz discloses filters and ranks in order of the interest that many-target objects found by a conventional database search, such as search for all home selling for under \$200,00 in a given area, for all 1994 news articles about Marcia Clark [ i.e. ranking a plurality of information sources according to the source-associated rating data for each source ] [ col 60, lines 61-66 ].

19. As per remarks, Argument section I, page 21, Appellant argues that (10) Herz and Rose fail to “providing the users an option to receive the source-associated rating data for each user that has provided subject matter to the topically organized information resource”

20. As to point (10), Herz discloses the ability to identify new or updated target objects that are relevant to the user, wherein the system may notify the user of these relevant target objects by an electronic notification [ i.e. providing the users an option to receive the source-associated rating data for each user that has provided subject matter to the topically organized information resource ] [ col 64, lines 55-col 65, lines 6 ].

21. As per remarks, Argument section J, page 22, Appellant argues that (11) Herz and Rose fail to disclose “receiving preference information from the users, wherein the preference information specifies a threshold criteria for filtering the posts according to the source-associated rating data applied to the contributor of each post of the posts”

22. As to point (11), Herz discloses the above limitation [ i.e. a filter technology for recommend article according to user’s preferences ] [ col 68, lines 57-col 69, lines 11 ].

23. As per remarks, Argument section K, page 23, Appellant argues that (12) Herz and Rose fail to disclose “serving at least one of the respective different remote information resources comprising a second defined topic of information, a second plurality of posts of information



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from users, and a second plurality of links to respective different remote information resources each containing information related to the second topic”.

24. As to point (12), it is rejected for similar reasons as stated above in claim 50.

Furthermore, Herz discloses a method for automatically generating menus to allow users to locate and retrieve articles on topics of interest [ i.e. multiple topics ] [ col 79, lines 46-65 ].

25. As per remarks, Argument section L, page 24, Appellant argues that (13) Herz and Rose fail to disclose “receiving preference information from the users, wherein the preference information specifies a threshold criteria for filtering the posts according to the aggregate ratings data”.

26. As to point (13), as mentioned in the Final Office Action, Rose discloses the above limitation [ i.e. every message available through the system can be presented to any user in ranked order, however, it is unlikely that a user would want to view those messages having a low ranking, therefore, the client program or the server program can employ a suitable selection threshold, so that messages having a ranking below a certain threshold are not displayed [ col 4, lines 64-col 5, lines 9 ].

27. As per remarks, Argument section M, page 25, Appellant argues that (14) Herz and Rose fail to disclose “serving an interactive tolerance bar for providing the users an option to send the preference information”.

28. As to point (14), Herz discloses a system for customized electronic identification of desirable objects is its responsiveness, since the intended use of the system is in an interactive mode, and the system that servers a large group of users must maintain interactive performance and the disclosed method for profiling and clustering target objects and users can in turn be used for optimizing the distribution of data among the members of a virtual community and through a data communications network, based on users' target profile interest summaries [ i.e. serving an interactive tolerance bar for providing the users an option to send the preference information ] [ col 30, lines 27-39 ].

29. As per remarks, Argument section N, page 26, Appellant argues that (15) Herz and Rose fail to disclose "serving at the respective different remote information resources each comprising at least one link back to the information resource".

30. As to point (15), Herz discloses associative attributes for hypertext document are the list of documents that it links to, and the list of documents that link to it [ i.e. serving at the respective different remote information resources each comprising at least one link back to the information resource ] [ col 7, lines 6-12; and col 12, lines 18-21 ].

31. As per remarks, Argument section O, page 28, Appellant argues that (16) Herz and Rose fail to disclose "defining a plurality of topics for the posts of information, and storing the topics in the memory".

32. As to point (16), Herz discloses the above limitation [ i.e. generating menus to allow users to locate and retrieve articles on topics of interest ] [ col 4, lines 45-48; and col 79, lines 46-64 ].

33. As per remarks, Argument section P, page 28, Appellant argues that (17) Herz and Rose fail to disclose “grouping the posts in a plurality of topically organized interlinked information resources according to the rating data, wherein each of the interlinked information resources comprises posts relevant to one of the plurality of topics”.

34. As to point (17), Herz discloses browsing provides an alternate method of selecting a small subset of a large number of target objects, such as articles, articles are organized so that users can actively navigate among groups of articles by moving from one group to a larger, more general groups, to a smaller, more specific group, or to a closely related group [ i.e. grouping the posts in a plurality of topically organized interlinked information resources according to the rating data, wherein each of the interlinked information resources comprises posts relevant to one of the plurality of topics ] [ col 7, lines 31-48 ].

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

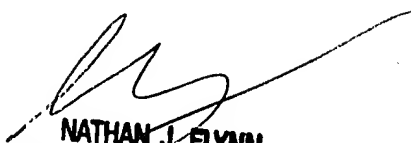
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